

CIVIL NO. 1:07CV336

Defendants.

ORDER

District Attorney Moore's objection and motion pertain to a subpoena issued by counsel for Plaintiff Timothy Kirk Foxx. **Exhibit A, *attached to Objection and Motion to Quash, supra***. The subpoena was signed on August 18, 2008, and requests the identical documents as those requested in a similar subpoena to the District Attorney the Court ordered quashed in

December 2007. **See Objection and Motion to Quash, filed December 4, 2007; Order, filed December 28, 2007 (granting motion to quash).**

Because Plaintiff has failed to respond to the motion to quash, the Court fails to discern why Plaintiff's counsel blatantly ignored the Court's first order and reissued the subpoena for the same documents previously denied. Such action borders on sanctionable conduct.

For the reasons set forth in the December 2007 Order and in the instant motion to quash,

IT IS, THEREFORE, ORDERED that District Attorney Moore's motion to quash the subpoena served upon the "Buncombe County District Attorney's Office" is hereby **GRANTED**, and the subpoena issued August 18, 2008, is hereby **QUASHED**.

Signed: September 17, 2008

A handwritten signature in black ink, appearing to read "Lacy H. Thornburg", written over a horizontal line.

Lacy H. Thornburg
United States District Judge

